

ORDINANCE NO. 07-02

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES ENTITLED "PENSIONS AND RETIREMENT PLANS" BY AMENDING SECTIONS 46-61 AND 46-62 TO CHANGE THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES RETIREMENT PLAN FROM SEVEN TO FIVE MEMBERS AND TO CHANGE THE CITY COMMISSION MEMBER APPOINTMENT TO THAT OF A LIAISON; AMENDING SECTION 46-63 TO ADJUST THE TERMS IN OFFICE ACCORDINGLY; AMENDING SECTION 46-67 PERTAINING TO A QUORUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a proposed change to the membership of the Board of Trustees of the General Employee Retirement Plan would best serve the interests of the citizens of Key West;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 46-61 of the Code of Ordinances is hereby amended as follows*:

Sec. 46-61. Administration of plan.

The sole and exclusive administration of, and the responsibility for, the proper effective operation of the retirement plan and for carrying out the provisions of this article is vested in a ~~seven~~ five -member board of trustees.

*(Coding: Added language is underlined; deleted language is ~~struck~~ through.)

Section 2: That section 46-62 of the Code of Ordinances is hereby amended as follows:

Sec. 46-62. Composition.

The board of trustees shall consist of ~~seven~~ five persons. Three trustees shall be employees elected by a majority of the employees who are active members of the plan. ~~One trustee shall be a member of the city commission, who shall be chosen by the mayor and the city commission and shall serve as an additional duty of the office.~~ One trustee, appointed by the mayor and city commission, shall be either an active or retired member of the plan or a non-member of the plan who is a resident of Monroe County. The ~~sixth~~ fifth member of the board shall be selected by a majority of the other ~~five~~ four trustees. ~~The seventh member shall be appointed by a majority of the other six members and shall be a retired member of the plan.~~ The Mayor shall appoint one commissioner as liaison to the Board.

Section 3: That section 46-63 of the Code of Ordinances is hereby amended as follows:

Sec. 46-63. Terms; vacancy.

(a) The elected active employee representative ~~receiving the highest number of votes~~ position expiring next after the passage of this ordinance shall be appointed for a term of three years. The two remaining elected active employee representatives

~~who are the second and third highest recipients of votes shall be elected to a term of two years. The city commissioner trustee shall serve a term of two years. The member The city resident appointed by the mayor and city commission shall be appointed to a term of three years. The member appointed by a majority of the board shall be appointed to a term of two years. The appointed active employee member trustee shall serve a term of two years. The appointed retiree member trustee shall serve a term of one year.~~

(b) If a vacancy shall occur prior to the expiration of a trustee's term, a replacement trustee shall be chosen in the same manner as the trustee who has left office. A replacement trustee shall serve a full term measured from the date of replacement.

(c) All trustees shall serve until their replacements are selected.

Section 4: That section 46-67 of the Code of Ordinances is hereby amended as follows:

Sec. 46-67. Quorum.

A majority of the trustees shall constitute a quorum for the transaction of business and shall have full power to act under the terms of the plan. ~~Four concurring votes shall be required of the board to take action.~~

Section 5. If any section, provision, clause, phrase, or

application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 6. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.


Section 7. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 3 day of January, 2007.

Read and passed on final reading at a regular meeting held this 17 day of January, 2007.

Authenticated by the presiding officer and Clerk of the Commission on 22 day of January, 2007.

Filed with the Clerk January 22, 2007.


MORGAN MOPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK